

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings of claims in the application:

**Listing of Claims:**

1                   1.       (Currently amended) A method for protecting consumer personal data, the  
2 method comprising:

3                   receiving an application for a payment instrument, wherein the application  
4 comprises personal data and a privacy preference of a consumer;

5                   saving the application in electronic form in a database that is associated with an  
6 issuing financial institution who issued the payment instrument; and

7                   storing at least some of the personal data and the privacy preference onto the  
8 payment instrument, wherein the payment instrument further includes consumer account  
9 information necessary to tie a debit or credit payment transaction to a consumer account that is  
10 associated with the issuing financial institution;

11                   receiving a purchase request at a credit or debit processing system that is  
12 associated with a merchant financial institution, wherein the purchase request includes at least  
13 some of the personal data and the privacy preference;

14                   saving the privacy preference in a database associated with the merchant financial  
15 institution.

1                   2.       (Original) A method as in claim 1, wherein the payment instrument  
2 comprises a credit or debit card having a magnetic stripe, and wherein at least some of the  
3 personal data and the privacy preference are electronically stored on the magnetic stripe.

1                   3.       (Original) A method as in claim 1, wherein the payment instrument  
2 comprises a check, and wherein the privacy preference is printed onto the check.

1                   4.       (Original) A method as in claim 1, wherein the payment instrument  
2 comprises a credit or debit card with a processor and electronic memory, and wherein the  
3 personal data and the privacy preference are electronically stored in the memory.

1                   5.       (Currently amended) A method as in claim 1, further comprising reading  
2 the personal data and the privacy preference at a merchant location when the consumer is making  
3 a purchase using the payment instrument, and transmitting the ~~saving~~ the personal data and the  
4 privacy preference to the credit or debit processing system ~~at a merchant storage location~~.

1                   6.       (Original) A method as in claim 5, further comprising mailing marketing  
2 material to the consumer only if permitted by the consumer's privacy preference.

1                   7.       (Original) A method as in claim 1, wherein the privacy preference  
2 indicates that the consumer would like to receive marketing material only from merchants that  
3 the consumer does business with.

1                   8.       (Original) A method as in claim 1, wherein the privacy preference  
2 indicates that the consumer would like to receive marketing material only from merchants that  
3 the consumer does business with and their affiliates.

1                   9.       (Original) A method as in claim 1, wherein the privacy preference  
2 indicates that the consumer would like to receive marketing material only from the bank that the  
3 consumer does business with.

1                   10.      (Original) A method as in claim 1, wherein the privacy preference  
2 indicates that the consumer does not want any marketing material.

Claims 11-12 (Canceled).

1                   13.      (Previously amended) A method for protecting consumer personal data,  
2 the method comprising:

3                   providing the consumer with a payment instrument having stored thereon a  
4 privacy preference, wherein the payment instrument further includes consumer account  
5 information necessary to tie a debit or credit payment transaction to a consumer account;  
6                   reading the privacy preference and the consumer account information from the  
7 payment instrument when making a purchase at a merchant location, wherein the consumer  
8 account information is read to provide payment to a merchant;  
9                   saving the privacy preference in a merchant database; and  
10                  contacting the consumer only in accordance with the privacy preference.

1                   14.     (Original) A method as in claim 13, wherein the payment instrument  
2 comprises a credit or debit card having a magnetic stripe, and wherein at least some of the  
3 personal data and the privacy preference are electronically stored on the magnetic stripe.

1                   15.     (Original) A method as in claim 13, wherein the payment instrument  
2 comprises a check, and wherein the privacy preference is printed onto the check.

1                   16.     (Original) A method as in claim 13, wherein the payment instrument  
2 comprises a credit or debit card with a processor and electronic memory, and wherein the  
3 personal data and the privacy preference are electronically stored in the memory.